

DECLARATION OF AVION M. BENJAMIN IN SUPPORT OF
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

I, Avion M. Benjamin, under penalty, declare as follows:

1. I am an attorney licensed to practice in the State of New Jersey and in the District Court of New Jersey. I am an Assistant Corporation Counsel representing the Defendants, the City of Newark, Captain Cicalese, Lt. Burroughs and Sgt. Carpenter in the above mentioned matter.
2. I am familiar with the facts of this action and make this Declaration in support of Defendants' Motion for Summary Judgment pursuant to Fed. R. Civ. P. 56.
3. Attached hereto as Exhibit A is a true, accurate and complete copy of Plaintiff's Complaint filed on March 20, 2009.
4. Attached hereto as Exhibit B is a true, accurate and complete copy of Plaintiff's Deposition Transcript.
5. Attached hereto as Exhibit C is a true, accurate and complete copy of Officer Smith's Deposition Transcript.
6. Attached hereto as Exhibit D is a true, accurate and complete copy of Dr. Cuomo's Report.
7. Attached hereto as Exhibit E is a true, accurate and complete copy of Joseph J. Stine's Report.

8. I HEREBY declare and affirm that to the best of my knowledge the foregoing statements are true. I am aware that if any such statements are willfully false, I am subject to punishment. Executed under penalty of perjury this 9 day of May 2011.

/s/ Avion M. Benjamin

AVION M. BENJAMIN (AB5629)